

Page 1 of 3

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1025-MWD-E TCEQ ID: RN102340627 CASE NO.: 34099
RESPONDENT NAME: Moscow Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Moscow WSC, approximately 600 feet southeast of the intersection of United States Highway 59 and Loop 177, Moscow, Polk County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 5, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Marvin Quarles, President, Moscow Water Supply Corporation, P.O. Box 250, Moscow, Texas 75960 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 8, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 8, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to provide an audiovisual alarm system for the lift station. Specifically, a red flashing light but not a horn was in place at the lift station [30 TEX. ADMIN. CODE § 317.3(e)(5)].</p> <p>2) Failed to maintain not less than two feet of freeboard on the north side of Pond 1. Specifically, approximately one foot of freeboard was observed [30 TEX. ADMIN. CODE § 317.4(j)(9) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11139001, Operational Requirements No. 1].</p> <p>3) Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation for the months of May, November, and December 2006 [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. 11139001, Monitoring and Reporting Requirements No. 7.c.].</p> <p>4) Failed to comply with permitted minimum dissolved oxygen concentration of 4.0 milligrams per liter ("mg/L") in the months of January, May, September, November, and December 2006, reporting 2.6 mg/L, 1.6 mg/L, 3.2 mg/L, 2.0 mg/L, and 2.0 mg/L, respectively [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No.</p>	<p>Total Assessed: \$18,900</p> <p>Total Deferred: \$3,780 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$5,000 (remaining \$10,120 due in 11 monthly payments of \$920 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the WSC has implemented the following corrective measures at the Facility:</p> <p>a. By April 30, 2007, achieved compliance with effluent limitations by installing a new diffuser and a back-up blower;</p> <p>b. On May 24, 2007, began reporting noncompliance notifications for effluent violations more than 40 percent above the permitted limitation;</p> <p>c. By May 29, 2007, installed an audio alarm at the lift station;</p> <p>d. By May 29, 2007, raised the north side of the pond embankment to provide two feet of freeboard; and</p> <p>e. On May 29, 2007, submitted notification to the TCEQ that an additional disposal site had been used for sludge disposal which was not originally listed on the WSC's permit application.</p>

<p>11139001, Effluent Limitations and Monitoring Requirements No. 6].</p> <p>5) Failed to provide notification of the use of additional sludge disposal sites not reported during the permit application process. Specifically, the WSC had named Polk County Landfill #1384 as the disposal site for sludge on the permit application, yet had disposed of sludge at the City of Nacogdoches wastewater treatment plant in 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11139001, Permit Conditions No. 4.a.iii].</p>		
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Additional ID No(s): WQ0011139001, TX0075701



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	18-Jun-2007	Screening	27-Jun-2007	EPA Due	
	PCW	27-Jun-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Moscow Water Supply Corporation
Reg. Ent. Ref. No.	RN102340627
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	34099	No. of Violations	5	
Docket No.	2007-1025-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp	
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$9,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **135%** Enhancement **Subtotals 2, 3, & 7** **\$12,150**

Notes The Respondent self-reported 27 effluent violations.

Culpability **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **25%** Reduction **Subtotal 5** **\$2,250**

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance by May 29, 2007.

0% Enhancement* **Subtotal 6** **\$0**
 Total EB Amounts **\$347**
 Approx. Cost of Compliance **\$3,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$18,900**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$18,900**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$18,900**

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20% Reduction **Adjustment** **-\$3,780**

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$15,120**

Screening Date 27-Jun-2007

Docket No. 2007-1025-MWD-E

PCW

Respondent Moscow Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34099

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102340627

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	27	135%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 135%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent self-reported 27 effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 135%

Screening Date 27-Jun-2007 Respondent Moscow Water Supply Corporation Case ID No. 34099 Reg. Ent. Reference No. RN102340627 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 1	Docket No. 2007-1025-MWD-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision June 26, 2007</div>																				
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Economic Benefit Worksheet

Respondent Moscow Water Supply Corporation
Case ID No. 34099
Reg. Ent. Reference No. RN102340627
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$250	8-May-2007	29-May-2007	0.1	\$0	\$1	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the installation of a horn (equipment and labor) at the lift station. Date required is the investigation date, final date is the date compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$1

Screening Date 27-Jun-2007		Docket No. 2007-1025-MWD-E		PCW
Respondent Moscow Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34099		<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No. RN102340627				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number		<div style="border: 1px solid black; padding: 2px;">2</div>		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 317.4(j)(9) and TPDES Permit No. 11139001, Operational Requirements No. 1</div>		
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to maintain not less than two feet of freeboard on the north side of Pond 1. Specifically, approximately one foot of freeboard was documented during the May 8, 2007 investigation.</div>		
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
					Percent <div style="border: 1px solid black; padding: 2px;">5%</div>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; padding: 2px;">0%</div>
Matrix Notes	Human health or the environment may or will be exposed to insignificant amounts of pollutants which would not exceed levels protective of human health and environmental factors.				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$9,500</div>

\$500

Violation Events

Number of Violation Events <div style="border: 1px solid black; padding: 2px;">1</div>		<div style="border: 1px solid black; padding: 2px;">21</div> Number of violation days
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	single event	x
One single event is recommended based on the May 8, 2007 investigation date.		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; padding: 2px;">\$2</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$1,050</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px;">\$1,050</div>	

Economic Benefit Worksheet

Respondent Moscow Water Supply Corporation
 Case ID No. 34099
 Reg. Ent. Reference No. RN102340627
 Media Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	8-May-2007	29-May-2007	0.1	\$0	\$2	\$2
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for labor and materials to maintain two feet of freeboard on the pond. Date required is the investigation date and the final date is date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

Screening Date 27-Jun-2007

Docket No. 2007-1025-MWD-E

PCW

Respondent Moscow Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34099

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102340627

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. 11139001, Monitoring and Reporting Requirements No. 7.c.

Violation Description

Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation for the months of May, November, and December 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100 percent of the requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

387 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,000

Three single events are recommended for the three discrete notices which were required.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$164

Violation Final Penalty Total \$6,300

This violation Final Assessed Penalty (adjusted for limits) \$6,300

Economic Benefit Worksheet

Respondent Moscow Water Supply Corporation
Case ID No. 34099
Reg. Ent. Reference No. RN102340627
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$150	5-Jun-2006	24-May-2007	1.9	\$14	\$150	\$164

Notes for AVOIDED costs

Estimated cost for the administrative costs associated with the three noncompliance notices. Date required is when the first of the three notices was due to be submitted to TCEQ and the final date is the date compliance with the reporting requirement was demonstrated.

Approx. Cost of Compliance

\$150

TOTAL

\$164

Screening Date 27-Jun-2007

Docket No. 2007-1025-MWD-E

PCW

Respondent Moscow Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34099

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102340627

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. 11139001, Effluent Limitations and Monitoring Requirements No. 6

Violation Description

Failed to comply with permitted minimum dissolved oxygen concentration of 4.0 milligrams per liter (mg/L) in the months of January, May, September, November, and December 2006, reporting 2.6 mg/L, 1.6 mg/L, 3.2 mg/L, 2.0 mg/L, and 2.0 mg/L, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health and environmental factors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

153 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$174

Violation Final Penalty Total \$8,400

This violation Final Assessed Penalty (adjusted for limits) \$8,400

Economic Benefit Worksheet

Respondent Moscow Water Supply Corporation
Case ID No. 34099
Reg. Ent. Reference No. RN102340627
Media Water Quality
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment	\$2,000	31-Jan-2006	30-Apr-2007	1.2	\$8	\$166	\$174
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for new pumps, the installation of a back-up blower, and a new diffuser to increase dissolved oxygen levels in the effluent. Date required is the first month of documented dissolved oxygen excursions and the final date is when compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$174

Screening Date 27-Jun-2007

Docket No. 2007-1025-MWD-E

PCW

Respondent Moscow Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34099

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102340627

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 11139001, Permit Conditions No. 4.a.iii.

Violation Description

Failed to provide notification of the use of additional sludge disposal sites not reported during the permit application process. Specifically, the Respondent had named Polk County Landfill #1384 as the disposal site for sludge on the 2002 permit application, yet had disposed of sludge at the City of Nacogdoches wastewater treatment plant the week of May 8, 2006 without providing notice to the TCEQ that an additional or alternate disposal site was to be used.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100 percent of the requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

21 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended based on the investigation date of May 8, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$2,100

This violation Final Assessed Penalty (adjusted for limits) \$2,100

Economic Benefit Worksheet

Respondent Moscow Water Supply Corporation
Case ID No. 34099
Reg. Ent. Reference No. RN102340627
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-May-2006	29-May-2007	1.1	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost for the administrative cost associated with the required notice to TCEQ regarding an additional sludge disposal site. Date required is the approximate date the notice was due to the TCEQ before the first disposal at the alternate disposal site and final date is when compliance documentation was received by TCEQ.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

Compliance History

Customer/Respondent/Owner-Operator:	CN600698385	Moscow Water Supply Corporation	Classification: AVERAGE	Rating: 1.47
Regulated Entity:	RN102340627	MOSCOW WSC	Classification: AVERAGE	Site Rating: 1.47
ID Number(s):	WASTEWATER	PERMIT	WQ0011139001	
	WASTEWATER	PERMIT	TPDES0075701	
	WASTEWATER	PERMIT	TX0075701	
	WASTEWATER LICENSING	LICENSE	WQ0011139001	
Location:	Approx. 600 ft. SE of intersect. of US Hwy. 59 & Loop 177, Moscow, Polk Co.		Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	June 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 26, 2002 to June 26, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Merrilee G. Hupp Phone: 512-239-4490

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 07/29/2002 (201756)
- 2 08/22/2002 (201758)
- 3 09/23/2002 (201761)
- 4 10/16/2002 (201764)
- 5 12/05/2002 (201767)
- 6 12/30/2002 (201770)
- 7 01/24/2003 (201774)
- 8 02/24/2003 (201740)
- 9 03/27/2003 (201743)
- 10 04/25/2003 (201748)
- 11 05/21/2003 (313822)
- 12 05/23/2003 (31860)
- 13 06/16/2003 (313823)
- 14 07/28/2003 (313824)
- 15 08/22/2003 (313825)
- 16 09/26/2003 (313826)
- 17 10/20/2003 (313827)
- 18 11/20/2003 (313828)
- 19 01/05/2004 (313829)
- 20 01/20/2004 (313830)
- 21 02/26/2004 (313819)
- 22 03/18/2004 (313820)
- 23 04/23/2004 (313821)
- 24 05/26/2004 (359668)

25	06/24/2004	(359669)
26	07/19/2004	(359670)
27	08/16/2004	(359671)
28	09/16/2004	(359672)
29	10/27/2004	(359673)
30	11/18/2004	(386116)
31	12/20/2004	(386117)
32	01/13/2005	(386118)
33	02/25/2005	(386114)
34	03/23/2005	(386115)
35	04/22/2005	(424018)
36	05/20/2005	(424019)
37	06/27/2005	(424020)
38	07/22/2005	(444808)
39	08/19/2005	(444809)
40	09/26/2005	(444810)
41	10/28/2005	(475671)
42	11/28/2005	(475672)
43	12/27/2005	(475673)
44	01/13/2006	(475674)
45	02/24/2006	(475669)
46	03/17/2006	(475670)
47	04/19/2006	(503037)
48	05/19/2006	(503038)
49	06/16/2006	(503039)
50	07/19/2006	(525375)
51	08/21/2006	(525376)
52	09/18/2006	(525377)
53	10/18/2006	(550088)
54	12/22/2006	(550089)
55	06/11/2007	(561330)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/31/2002	(201758)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/31/2002	(201761)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2002	(201770)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2002	(201774)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2003	(313822)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2003	(313823)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2004	(359669)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2005 (475673)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2006 (475669)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2006 (503039)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2006 (550088)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2006 (550089)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2006
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26, 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Date: 06/30/2004 (359670)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2004 (359671)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2004 (359672)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/30/2004 (386116)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2004 (386117)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2004 (386118)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2005 (386114)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2005 (386115)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2005 (424018)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2005 (424019)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2005 (424020)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (444809)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2005 (444810)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2005 (475672)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MOSCOW WATER SUPPLY
CORPORATION
RN102340627

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1025-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Moscow Water Supply Corporation ("the WSC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the WSC appear before the Commission and together stipulate that:

1. The WSC owns and operates a wastewater treatment facility approximately 600 feet southeast of the intersection of United States Highway 59 and Loop 177 in Moscow, Polk County, Texas (the "Facility").
2. The WSC has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that the WSC is subject to the Commission's jurisdiction.
4. The WSC received notice of the violations alleged in Section II ("Allegations") on or about June 13, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighteen Thousand Nine Hundred Dollars (\$18,900) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The WSC has paid Five Thousand Dollars (\$5,000) of the administrative penalty and Three Thousand Seven Hundred Eighty Dollars (\$3,780) is deferred contingent upon the WSC's timely and satisfactory compliance with all the terms of this Agreed Order. If the WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the WSC to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand One Hundred Twenty Dollars (\$10,120) of the administrative penalty shall be payable in eleven monthly payments of Nine Hundred Twenty Dollars (\$920) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the WSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the WSC to meet the payment schedule of this Agreed Order constitutes the failure by the WSC to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the WSC has implemented the following corrective measures at the Facility:
 - a. By April 30, 2007, achieved compliance with effluent limitations by installing a new diffuser and a back-up blower;
 - b. On May 24, 2007, began reporting noncompliance notifications for effluent violations more than 40 percent above the permitted limitation;
 - c. By May 29, 2007, installed an audio alarm at the lift station;
 - d. By May 29, 2007, raised the north side of the pond embankment to provide two feet of freeboard; and
 - e. On May 29, 2007, submitted notification to the TCEQ that an additional disposal site had been used for sludge disposal which was not originally listed on the WSC's permit application.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the WSC has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the WSC is alleged to have:

1. Failed to provide an audiovisual alarm system for the lift station, in violation of 30 TEX. ADMIN. CODE § 317.3(e)(5), as documented during an investigation conducted on May 8, 2007. Specifically, a red flashing light but not a horn was in place at the lift station.
2. Failed to maintain not less than two feet of freeboard on the north side of Pond 1, in violation of 30 TEX. ADMIN. CODE § 317.4(j)(9) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11139001, Operational Requirements No. 1, as documented during an investigation conducted on May 8, 2007. Specifically, approximately one foot of freeboard was observed.
3. Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation for the months of May, November, and December 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. 11139001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on May 8, 2007.
4. Failed to comply with permitted minimum dissolved oxygen concentration of 4.0 milligrams per liter ("mg/L") in the months of January, May, September, November, and December 2006, reporting 2.6 mg/L, 1.6 mg/L, 3.2 mg/L, 2.0 mg/L, and 2.0 mg/L, respectively, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 11139001, Effluent Limitations and Monitoring Requirements No. 6, as documented during an investigation conducted on May 8, 2007.
5. Failed to provide notification of the use of additional sludge disposal sites not reported during the permit application process, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11139001, Permit Conditions No. 4.a.iii, as documented during an investigation conducted on May 8, 2007. Specifically, the WSC had named Polk County Landfill #1384 as the disposal site for sludge on the permit application, yet had disposed of sludge at the City of Nacogdoches wastewater treatment plant in 2006.

III. DENIALS

The WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the WSC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Moscow Water Supply Corporation, Docket No. 2007-1025-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the WSC. The WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the WSC fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the WSC's failure to comply is not a violation of this Agreed Order. The WSC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The WSC shall notify the Executive Director within seven days after the WSC becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the WSC shall be made in writing to the Executive Director. Extensions are not effective until the WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the WSC, or three days after the date on which the Commission mails notice of the Order to the WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Moscow Water Supply Corporation
DOCKET NO. 2007-1025-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdley
For the Executive Director

12/03/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Marvin Swales
Signature

9/7/07
Date

MARVIN SWALES
Name (Printed or typed)
Authorized Representative of
Moscow Water Supply Corporation

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

